

## **BOARD OF SELECTMEN**

March 26, 2007

Chairman Clark called the meeting to order at 7:30PM. Board members present were Stephen Clark, Boyd Jackson, Heidi Bond, Richard Gandt and John McArdle. Of the Selectmen's staff Town Administrator Virginia Wilder, & Donna Rich Board Secretary were in attendance. Also present were Faye Raynard of the Village Reporter and Evelyn Hammond of Topsfield Cable. At 7:55PM Joseph Geller and Peter deBernardo arrived for the Public Hearing.

**Announcements:** Chairman Clark announced that the Board would go into executive session at the end of the meeting to discuss the Police Chief Contract, Fire Chief Contract, Fire Union Contract and Police Union Contract and would not return to open session.

**Selectmen Minutes:** Selectman Gandt made a motion to accept the minutes of March 5, 2007 as amended; seconded by Selectman Bond; so voted 5-0. Selectman Gandt made a motion to accept the minutes of March 12, 2007 as amended; seconded by Selectman Bond; so voted 5-0. Selectman Jackson made a motion to accept the minutes of Executive Session, March 12, 2007 and to hold until all issues have been resolved; seconded by Selectman Bond; so voted 5-0. Selectman Jackson made a motion to accept the minutes of March 19, 2007 as amended; seconded by Selectman Bond; so voted 5-0.

### **OLD BUSINESS:**

**Treatment Chemical Contract:** Selectman Gandt made a motion for the Board of Selectman to authorize the Water Department to purchase 45% by weight Potassium Hydroxide Solution from Border & Remington of Fall River, MA. in the amount of \$29,976.60; seconded by Selectman Jackson; so voted 5-0. It was noted, as part our normal water treatment, potassium hydroxide is used to reduce the acidity of our water. Its use is not related to the recent bacteria issue.

**Warrant Review:** Chairman Clark explained that the Selectmen met on Saturday to review the 2008 Town Meeting Warrant. As a result of that meeting:

1. **Engine 3 Replacement** was removed from Warrant. The conclusion was that it is premature to buy a new engine at this time. In so removing this article, it was noted that the Town might spend more on maintenance in the future.
2. **Masco Budget:** Budget came in over the 4.75% Finance Committee guideline as agreed to by Topsfield, Middleton, and Boxford. Topsfield's portion of the amount over the guidelines is \$78,277. On Saturday the Selectmen unanimously voted to place the \$78,227 on the ballot as a Proposition 2 ½ override Question. Chairman Clark noted that, as a matter of principle, Masco cannot regularly go over the guidelines. It was noted that by the Regional School agreement if Boxford and Middleton pass the higher budget, Topsfield we would have to contribute its share of the higher amount. Selectman Jackson noted that most departments followed the guidelines set for the budget, therefore, he is in total agreement with placing the question on the ballot. Selectman Gandt stated Topsfield has not lost faith in the School or the School Committee. But the question will need to go to ballot. Selectman Bond noted that unlike the general side budgets and the elementary school budget, the pension and insurance for Masco employees resides in the

Regional School therefore this could give the appearance that Masco has increased its budget more than the other budgets.

3. The ballot Question regarding the consolidation of the Department of Public Works was also discussed at the Saturday meeting. Chairman Clark commented that the language was edited to reflect Representative Speliotis requirement that this Question have a binding vote. There was a non-binding vote passed on the ballot in 2005, however, a subsequent state law was passed requiring that a binding vote would be required on this matter. Selectman Gandt would like the explanation on the question tweaked so there would be no confusion. Chairman Clark asked the issue be placed on the agenda in two weeks for further discussion.
- Selectman Gandt made a motion to place an Article regarding the Masco Regional School District Assessment in the amount \$78,277 on the election ballot of the May 3, 2007 Annual Town Election as a Proposition 2 ½ general override referendum pursuant to M.G.L. 59 s 21C as Question One: “Shall the Town of Topsfield be allowed to assess an additional \$78,277 in real estate and personal property taxes for the purposes of funding the Town’s assessment for the Masco Regional School District for the fiscal year beginning July first two thousand and seven?” Selectman Bond seconded; voted 5-0.
- Selectman Gandt made a motion to place the following question on the election ballot of the May 3, 2007 Annual Town election as a Proposition 2 ½ debt exclusion referendum pursuant to M.G.L. 59 s 21C as Question Two: “Shall the Town of Topsfield be allowed to exempt from the provisions of proposition two and one-half, so called, the amounts required to pay for the bond issued in order to replace the Asbury Street Bridge and to repair the Rowley Bridge Road Bridge?” Chairman Clark seconded; vote 5-0.

### **8:00PM – Public Hearing – Gibraltar Pools Sign**

Clerk Jackson read the public hearing notice for the request of a special permit under Article XIII, Section 13.3 of the Sign Regulation Zoning By-law to erect a non-conforming, free standing and internally lighted sign at 435 Boston Street. Peter deBernardo, applicant, was asked to come forward and present his request. Mr. deBernardo stated that he has been in business for 15 years at the Topsfield Business Park. He recently sold that property and took an 8 year lease at 435 Boston St., across the street. Chairman Clark noted that the Building Inspector had denied the request for the sign as being in non-conformance with the Zoning By-law. However, the Board could waive that decision in an appeal from the applicant. The request is for a sign that is internally lighted and larger than allowed.

Selectman Gandt noted that the Town should have standards in regards to signs. Mr. deBernardo further explained that this is an existing sign and that they are just changing the inside of the sign. Mr. deBernardo has been told that illuminated signs can increase business by 20%. A picture of what the sign will look like was displayed. Mr. deBernardo noted that he is planning on having an English garden type landscaping around the sign.

Selectman Jackson asked if they were to grant permission would the sign be light all night, or be on a timer. Mr. deBernardo said it would be on a timer, turning off at 11PM and back on at 7AM.

Abutter Joe Geller was present and commented that this is a good venture and that he felt it would be an asset to Topsfield. He also said the sign has been there a long time. Selectman Gandt stated that in his opinion it is a tasteful, not “honky-tonk” approach. Selectman Jackson

agreed. Chairman Clark noted that if this was in the downtown area that it would be turned down. Selectman Gandt made a motion to approve the special permit for the sign as presented, Selectman Jackson seconded; so voted 5-0.

### **NEW BUSINESS:**

**Metropolitan Area Planning Council:** Selectman Clark stated that there has been a change in the law to now permit an alternate appointment to the Council. If anyone is interested in volunteering for the position they can send a letter to Virginia Wilder, Town Administrator.

**Inspector of Animals:** Nomination papers had been received and Selectman Gandt made motion to nominate Joel Larson to be the Inspector of Animals for the Town. His term would begin May 1, 2007 and will run until April 30, 2008. Selectman Bond seconded; so voted 5-0.

### **Town Administrator's Report:**

Please see attached report.

There was discussion around the Main Street Foundation's "Topsfield" sign and maintenance of the area. Selectman Gandt noted that the sign was installed and maintained by a private group on private property. He questioned if the Town should be maintaining it. Selectman Jackson asked if it should be maintained through fund raising. Chairman Clark noted that it is private/public venture. The Main Street Foundation has changed the atmosphere of downtown. And he has no problems with the Town maintaining it. Virginia Wilder noted that all materials will be donated by the Foundation and Parks & Cemetery stated that they would be able to take care of the area. It was noted that Parks & Cemetery has a level funded budget and more and more work gets added to their work schedule.

### **Correspondence & Reports**

- Several letters were received,
  - Meals on Wheels Driver
  - Boston Region Metropolitan Planning Organization
  - North Shore Chamber of Commerce
  - Email from Captain Alan J. Rattte
  - Email from Chief William Mulligan

**Warrants:** The Selectmen signed and approved warrants in the amount of **\$280,696.26**. The breakdown is as follows:

|                |              |
|----------------|--------------|
| Warrant #FY07: |              |
| 077T           | \$ 71,828.81 |
| 078            | \$208,867.45 |

**Executive Session:** At 8:30 PM, Chairman Clark entertained a motion to go into executive session to discuss the Police Chief Contract, Fire Chief Contract, Fire Union Contract, Police Union Contract and Highway/Water Contract and Parks & Cemetery Contract; Selectman

Jackson seconded motion. A yes vote was recorded for Selectmen Jackson, Selectmen Bond, Selectmen Gandt, Selectmen McArdle and Chairman Clark. The Board would not return to regular session. Virginia Wilder and Donna Rich were present also.

The meeting was adjourned 8:32PM.

Respectively submitted,

Donna Rich, Secretary  
Selectmen's Office

Approved as amended at the April 2, 2007 BOS meeting.